

REMARKS

Status of the Claims

Claims 1-53 stand rejected. Claims 2-4, 8, 25-28, 30, 39, 41-46, and 52 stand objected.

The Claim Amendments

Applicants have amended claims 2-4, 8, 25-28, 30, 39, 41-46, and 52 by inserting a comma between each structure and inserting the term “and” between the last two structures.

Applicants have amended claims 1 to remove CN from the definition of R². In light of this amendment, applicants have also deleted proviso “e)” in claim 1.

Applicants have also added semi-colons at the end of provisos “d)” and “f”).

None of these claim amendments adds new matter.

The Office Action

Claims Objection

The Examiner has objected to claims 2-4, 8, 25-28, 30, 39, 41-46, and 52 because the Examiner contends that certain informalities are present. The Examiner has suggested that the applicants insert “a comma between each structure and [insert] the term “and” between the last two structures.” Applicants have amended claims 2-4, 8, 25-28, 30, 39, 41-46, and 52 according to the Examiner’s suggestion. Accordingly, this objection is obviated.

Rejection under 35 U.S.C. 102(b)

Claims 1-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghozlan et al. Liebigs Ann. Chem 1990 (“Ghozlan”). The Examiner contends that Ghozlan “discloses pyrazolopyridazine compounds, which share the same formula and core structure” as applicants’ pyrazolopyridazine compounds. Applicants have amended claims 1 to remove CN from the definition of R², thus obviating the rejection. Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

Rejection under 35 U.S.C. 103

Claims 1-53 are rejected under 35 U.S.C. 103 as being upatentable in view of Ghozlan. The Examiner contends that one of skill in the art “would have been motivated to select the claimed compounds from the genus in the reference” because a skilled chemist “would have reasonable expectation that any of the species of the genus would have similar properties, and thus the same use as taught for the genus as a whole.” Applicant traverses.

Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness. Contrary to the Examiner’s assertion, one of skill in the art would not have been motivated to make a compound that falls within the instant claims in view of Ghozlan. Ghozlan is a synthesis paper that describes how to make cyano substituted polyfunctionally substituted pyridazines. The instant claims do not encompass compounds wherein R² is cyano. Accordingly, based on Ghozlan, a skilled chemist would not have reasonable expectation that a compound within the scope of applicants’ claims would have the activity described in the instant application.

Applicants respectfully request that the Examiner withdraw this 35 U.S.C. 103 rejection.

Conclusion

Applicants request that the Examiner enter the above amendments, consider the above remarks, and allow the pending claims to issue.

Respectfully submitted,

/Jennifer G. Che/

Jennifer G. Che (Reg. No. 58,035)
Attorney for Applicants
Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, MA 02139-4242
Tel.: (617)444-6525
Fax.: (617)444-6483
Customer Number: 27916